

**United States Bankruptcy Court
Central District of California
Santa Ana
Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, December 10, 2024

Hearing Room 5B

10:30 AM
8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

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ZoomGov meeting number: 160 491 3475

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- Disconnect from the meeting by clicking "Leave" when you have

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completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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8:24-12645 Tyler Sean Mancuso

Chapter 7

#1.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**TD BANK, N.A.
Vs.
DEBTOR**

Docket 10

Tentative Ruling:

Tentative for December 10, 2024
Grant. *Appearance is optional.*

Party Information

Debtor(s):

Tyler Sean Mancuso

Represented By
Julie J Villalobos

Movant(s):

TD Bank, N.A.

Represented By
Sheryl K Ith

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:24-12726 Seungwon Choi and Grace Danbi Kim

Chapter 7

#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**TD BANK, N.A.
Vs.
DEBTOR**

Docket 8

Tentative Ruling:

Tentative for December 10, 2024
Grant as unopposed. *Appearance is optional.*

Party Information

Debtor(s):

Seungwon Choi

Represented By
Raymond J Seo

Joint Debtor(s):

Grace Danbi Kim

Represented By
Raymond J Seo

Movant(s):

TD Bank, N.A., successor in interest

Represented By
Sheryl K Ith

Trustee(s):

Richard A Marshack (TR)

Pro Se

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10:30 AM

8:21-12001 Joseph L Sanders

Chapter 7

#3.00 Motion for relief from the automatic stay REAL PROPERTY
(cont'd from 8-27-24)

**SERVIS ONE, INC., DBA BSI FINANCIAL SERVICES
Vs.
DEBTOR**

Docket 762

Tentative Ruling:

Tentative for December 10, 2024

The motion is not opposed in view of the agreed abandonment. Grant.
Appearance is optional.

Tentative for August 27, 2024

Trustee obtained preliminary title reports for each of Debtor's California properties, including the subject Murrieta Property. Title is vested in the "Rose May Sanders Irrevocable Living Trust dated June 1, 2010." Rose May Sanders was the mother of Debtor, who resided in the Murrieta Property until her passing. Debtor is reportedly the sole trustee and sole beneficiary of the trust. Trustee was also informed by Debtor that title to Murrieta Property remained in the respective trusts established by his mother, based on advice he received from his accountant to not transfer the title to the Debtor personally, for avoidance of taxes. While title will have to be confirmed at some point, it would appear that the subject property is "property of the estate" at least as to the equitable interest and is thus protected by the stay.

Movant claims a first deed of trust to secure \$179,643.49 with a notice of default recorded on August 3, 2021. However, no such notice is reflected in

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the title report Trustee obtained. There is also a second priority deed of trust in favor

of American Bankers, LLC, recorded August 18, 2016 in the amount of \$150,000. This deed of trust was purportedly assigned by American Bankers to "William S. Leftwich 50%, and Scott W. Leftwich 50%, both an undivided 50% interest as tenants in common, but with the deed of trust "reformed" by the OC Superior Court in favor of creditors John and Mabel Watcher. The reformation of this deed of trust is an element of the Watchers' final, non-appealable judgment against Rick Floyd and American Bankers.

Trustee had initially determined that at least one or two of the remaining estate properties (after Laguna Beach) will need to be liquidated to generate the remaining funds needed to satisfy creditor claims in full. However, after consultation with Clarence Yoshikane, it was decided that the Murrieta Property would likely generate total net proceeds to the estate less than the amount estimated to be required to pay creditor claims in full. Apparently, the Trustee believes that proceeds of the Murrieta property may yet be needed to pay all claims in full plus interest, as the law requires.

Trustee notes that Movant filed the motion without attempting to communicate with Trustee regarding the bankruptcy case or the Murrieta Property. Similarly, no communications were ever received by Trustee from Movant's predecessor, Morgan Stanley Dean Witter Credit Corporation, nor have Movant or its predecessor filed a proof of claim in this case. Movant's representation that Debtor does not claim an interest in the property is not accurate, as

Debtor scheduled Murrieta as an asset of the estate, correctly stating the status of title as of the petition date. Trustee does not dispute that the loan is in default, although she is unable to assess the accuracy of the amounts alleged as due in the motion given the lack of supporting evidence. The statement by Movant about not being able to locate activity by Trustee on the Murrieta Property is also belied by the docket which reflects the tremendous effort the Trustee has undertaken to administer the estate assets over the constant opposition of the Debtor, her ongoing operation of the California Properties, including the Murrieta Property, the payment of such properties' operating expenses, and management/regular inspection of the Murrieta Property to ensure it is maintained and secure. Such a point, in any case , is

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CONT... **Joseph L Sanders**

Chapter 7

largely irrelevant so long as the Movant is adequately protected.

What is not irrelevant is whether there is adequate protection of Movant's claim. Trustee argues there is equity in the Murrieta Property, as it is valued by Debtor at \$550,000 but likely is currently closer to between \$675,000 and \$740,000 according to Trustee's broker, Clarence Yoshikane. The Movant's claim is \$179,643.49 and is in first position; consequently, Movant is well protected by an equity cushion of between \$495,000 and \$560,000, depending on which Yoshikane valuation is believed, constituting an equity cushion of between 73.33% and 75.68%. But even at the lowest estimation of \$550,000, there is something like a \$380,000 cushion. Thus, Movant's interest is adequately protected...for now. This is not to say that the Trustee is encouraged to wait for an extended period while the equity erodes. Rather, the court expects that the Trustee will move with dispatch after (or during) the Laguna Beach property sale to do what is reasonably required to get to the point where the case can be closed, with a 100% dividend. The court recognizes we may hear from the Debtor again, as he has opposed virtually all efforts to liquidate, but that should not slow us down. This case is about paying off creditors, finally, not accommodating Debtor's preferences for free rent. This case is already over three years old and the time has come... and, in fact, is well passed.

Appearance required.

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Movant(s):

Servis One, Inc., DBA BSI Financial

Represented By
Dane W Exnowski

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Nathan F Smith

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Joseph L Sanders

Ashley M Teesdale

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8:24-11625 Irma Lopez and Francisco Lopez Garcia

Chapter 7

#4.00 Motion for relief from the automatic stay REAL PROPERTY

**PANNA SHARMA
Vs.
DEBTOR**

Docket 53

Tentative Ruling:

Tentative for December 10, 2024
Grant as unopposed. *Appearance is optional.*

Party Information

Debtor(s):

Irma Lopez

Represented By
Thomas J Polis

Joint Debtor(s):

Francisco Lopez Garcia

Represented By
Thomas J Polis

Movant(s):

Panna Sharma

Represented By
Kevin Ronk

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:24-11818 Lido 10, LLC

Chapter 11

#5.00 Motion for relief from the automatic stay REAL PROPERTY

**U.S. BANK TRUST NATIONAL ASSOCIATION
Vs.
DEBTOR**

Docket 35

Tentative Ruling:

Tentative for December 10, 2024

Movant does not make a case for relief under either of 11 USC §§362(d)(1) or (d)(2), in that there is considerable equity behind movant's lien position providing adequate protection and the property is necessary to a reorganization. Given the refinancing letter it would also appear that a reorganization is "in prospect" within the meaning of the Timbers decision. While the motion must be denied at this time, the debtor should not assume that so long as there is any arguable equity the stay will remain. It is rather a dynamic process where the court considers a variety of factors, of which the cushion is merely one. *Appearance required.*

Party Information

Debtor(s):

Lido 10, LLC

Represented By
Matthew D. Resnik
Roksana D. Moradi-Brovia

Movant(s):

U.S. BANK TRUST NATIONAL

Represented By
Theron S Covey

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8:24-12693 Ami Kim Esten

Chapter 7

#6.00 Motion for relief from automatic stay ACTION IN NON-BANKRUPTCY FORUM .

**LEE ESTEN
Vs.
DEBTOR**

Docket 16

Tentative Ruling:

Tentative for December 10, 2024

Grant on a limited basis, confined to characterization of community and separate property (not division), support and marital status. The domestic court cannot order sales or encumbrance of estate property or assign debts without further order of this court. *Appearance required.*

Party Information

Debtor(s):

Ami Kim Esten

Represented By
Richard G. Heston

Movant(s):

Lee Esten

Represented By
Jacqueline D Serrao

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:24-11279 TA Partners Apartment Fund II LLC, a California li

Chapter 11

#7.00 Motion For Order Approving Stipulation Granting Relief From Stay

Docket 100

Tentative Ruling:

Tentative for December 10, 2024
Grant as unopposed. *Appearance required.*

Party Information

Debtor(s):

TA Partners Apartment Fund II LLC,

Represented By
Garrick A Hollander
Peter W Lianides
Richard H Golubow

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8:22-11556 Stonebridge Ventures, LLC

Chapter 7

#8.00 Chapter 11 Trustees Final Report And Account; Request For Approval Of Trustees Accounting; Request For Approval Of Chapter 11 Trustees Statutory Fee; And Request For Approval And Authorization To Pay Remaining Chapter 11 Administrative Claims In Full

Docket 360

Tentative Ruling:

Tentative for December 10, 2024

This Final Report was more minimalist than expected, as there is no amount listed for distribution to unsecured creditors. UST Form 101-7-TFR was not used to provide all of this information. It is not necessarily required under the local rules but is helpful to the court. The notice of intent to file the final report

was not filed; and there is no BNC Certificate. It is unclear if the OUST has reviewed/approves of it. If the trustee can obtain acquiescence of the UST the amounts appear proper otherwise and can be approved.

Appearance required.

Party Information

Debtor(s):

Stonebridge Ventures, LLC

Represented By
Summer M Shaw
Diana Torres-Brito

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo Cisneros
Nathan F Smith
William Malcolm

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8:22-11585 AB Capital, LLC, a California limited liability co

Chapter 7

#9.00 Fourth Interim Application For Compensation And Reimbursement Of Expenses
For Period: 6/1/2024 to 10/31/2024:
(cont'd from 12-03-24 per order granting stipulation to cont hrg on interim
fee application entered 11-13-24 - see doc #972)

GROBSTEIN TEEPLE, LLP AS ACCOUNTANTS FOR CH 7 TRUSTEE

FEE: **\$35,968.00**

EXPENSES: **\$73.05**

Docket 948

Tentative Ruling:

Tentative for December 10, 2024
Allow as prayed. *Appearance required.*

Party Information

Debtor(s):

AB Capital, LLC, a California

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Alan W Forsley
Ryan D O'Dea
Kristine A Thagard
James C Bastian Jr
Marc A Lieberman
Rika Kido

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AB Capital, LLC, a California limited liability co
Brooke S Thompson

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8:22-11585 AB Capital, LLC, a California limited liability co

Chapter 7

#10.00 Interim Application for Compensation For Period: 6/1/2024 to 10/31/2024:
(cont'd from 12-03-24 per order approving stipulation to continue hrg on
interim fee application entered 11-13-24 - see doc #972)

BICHER & ASSOCIATES, OTHER PROFESSIONAL:

FEE: \$19,237.00

EXPENSES: \$925.30

Docket 962

Tentative Ruling:

Tentative for December 10, 2024
Allow as prayed. *Appearance is optional.*

Party Information

Debtor(s):

AB Capital, LLC, a California

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Alan W Forsley
Ryan D O'Dea
Kristine A Thagard
James C Bastian Jr
Marc A Lieberman
Rika Kido

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AB Capital, LLC, a California limited liability co
Brooke S Thompson

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8:22-11585 AB Capital, LLC, a California limited liability co

Chapter 7

#11.00 Fourth Interim Application For Allowance Of Fees And Costs For Period:
6/1/2024 to 10/31/2024

MARSHACK HAYS WOOD LLP, GENERAL COUNSEL:

FEE: \$223,902.00

EXPENSES: \$2,336.38

Docket 978

Tentative Ruling:

Tentative for December 10, 2024
Allow as prayed. *Appearance is optional.*

Party Information

Debtor(s):

AB Capital, LLC, a California

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Alan W Forsley
Ryan D O'Dea
Kristine A Thagard
James C Bastian Jr
Marc A Lieberman
Rika Kido

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AB Capital, LLC, a California limited liability co
Brooke S Thompson

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8:22-11585 AB Capital, LLC, a California limited liability co

Chapter 7

#12.00 Fourth Interim Application for Approval of Fees and Reimbursement of Expenses For Period: 6/1/2024 to 10/31/2024:

**SHULMAN BASTIAN FRIEDMAN & BUI LLP, SPECIAL LITIGATION
COUNSEL FOR THE CHAPTER 7 TRUSTEE:**

FEE: \$559,960.00

EXPENSES: \$18,142.51

Docket 987

Tentative Ruling:

Tentative for December 10, 2024

Assuming correction of the admitted overpayment allow as prayed.

Appearance is optional.

Party Information

Debtor(s):

AB Capital, LLC, a California

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Alan W Forsley
Ryan D O'Dea
Kristine A Thagard

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AB Capital, LLC, a California limited liability co

Chapter 7

James C Bastian Jr

Marc A Lieberman

Rika Kido

Brooke S Thompson

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8:22-11585 AB Capital, LLC, a California limited liability co

Chapter 7

#13.00 Chapter 7 Trustee's Motion For Order Approving Settlement And Compromise Of Disputes Under Federal Rule Of Bankruptcy Procedure 9019 Between Bankruptcy Estate And Med Equity Bankruptcy Estate

Docket 982

Tentative Ruling:

Tentative for December 10, 2024
Grant as unopposed. *Appearance is optional.*

Party Information

Debtor(s):

AB Capital, LLC, a California

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Alan W Forsley
Ryan D O'Dea
Kristine A Thagard
James C Bastian Jr
Marc A Lieberman
Rika Kido
Brooke S Thompson

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: **Multiple Debtors 2024-1, see order**

Chapter 0

Misc#: 8:24-00112 Multiple Debtors 2024-1, see order

#14.00 Order Requiring Tesla To Appear Through Counsel At A Status Conference
(cont'd from 7-30-24)
(cont'd from 10-08-24 per order to cont. entered 9-23-24)

Docket 2

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the CEO and CFO of Tesla as to why a daily sanction of \$1000 should not issue pending full compliance.
Appearance required.

Tentative for July 30, 2024

The court needs compliance with the electronic noticing procedure as it appears Tesla is a high volume paper recipient. No response was received to the court's earlier Conference Order heard 5/7/2024 and no appearance was noted. The court will issue an OSC requiring a corporate officer to appear on penalty of contempt, which can be avoided by compliance before the continued hearing. *Appearance required.*

Tentative for May 7, 2024

The court needs compliance with the electronic noticing requirements.
Appearance required.

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00113 Multiple Debtors 2024-1, see order

Chapter 0

#15.00 Order Requiring Credit Control Corporation To Appear Through Counsel At A Status Conference
(cont'd from 7-30-24)
(cont'd from 10-08-24 per order to cont s/c entered 9-24-24)

Docket 2

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the CEO and CFO of Credit Control as to why a daily sanction of \$1000 should not issue pending full compliance. *Appearance required.*

Tentative for July 30, 2024

The court needs compliance with the electronic noticing procedure as it appears Credit Control is a high volume paper recipient. No response was received to the court's earlier Conference Order heard 5/7/2024 and no appearance was noted. The court will issue an OSC requiring a corporate officer to appear on penalty of contempt, which can be avoided by compliance before the continued hearing. *Appearance required.*

Tentative for May 7, 2024

The court needs compliance with the electronic noticing requirements. *Appearance required.*

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: **Multiple Debtors 2024-1, see order**

Chapter 0

Misc#: 8:24-00119 Multiple Debtors 2024-1, see order

#16.00 Order Requiring Cawley & Bergmann, LLP To Appear Through Counsel At A Status Conference
(cont'd from 7-30-24)
(cont'd from 10-08-24 per order cont. s/c entered 9-24-24)

Docket 2

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the CEO and CFO, and /or managing partner of Cawley & Bergmann as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 30, 2024

The court needs compliance with the electronic noticing procedure as it appears Cawley & Bergmann LLP is a high volume paper recipient. No response was received to the court's earlier Conference Order heard 5/7/2024 and no appearance was noted. The court will issue an OSC requiring a corporate officer to appear on penalty of contempt, which can be avoided by compliance before the continued hearing. *Appearance required.*

Tentative for May 7, 2024

The court needs compliance with the electronic noticing requirements.
Appearance required.

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: **Multiple Debtors 2024-1, see order**

Chapter 0

Misc#: 8:24-00121 Multiple Debtors 2024-1, see order

- #17.00** Order Requiring Cherry Technologies Inc To Appear Through Counsel At A Status Conference
(cont'd from 7-02-24)
(cont'd from 8-27-24 per court's order)
(cont'd from 10-08-24 per order cont s/c entered 9-24-24)

Docket 0

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the CEO and CFO of Cherry Technologies as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 2, 2024

The court needs registration to receive electronic notices. *Appearance required.*

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00124 Multiple Debtors 2024-1, see order

Chapter 0

#18.00 Order Requiring Nuvision Federal Credit Union To Appear Through Counsel At A Status Conference
(cont'd from 7-02-24)
(cont'd from 8-27-24 per court's order)
(cont'd from 10-08-24 per order cont. s/c entered 9-24-24)

Docket 0

Tentative Ruling:

Tentative for December 10, 2024
Why still no appearance? Issue OSC directed to the CEO and CFO of NuVision Federal Credit Union as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 2, 2024
The court needs registration to receive electronic notices. *Appearance required.*

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: **Multiple Debtors 2024-1, see order**
Misc#: 8:24-00126 Multiple Debtors 2024-1, see order

Chapter 0

#19.00 Order Requiring Customers Bank to Appear Through Counsel at Status Conference
(cont'd from 7-09-24)
(cont'd from 8-27-24 per court's order entered 8-01-24)
(cont'd from 10-08-24 per order cont s/c entered 9-24-24)

Docket 1

Tentative Ruling:

Tentative for December 10, 2024
Why still no appearance? Issue OSC directed to the CEO and CFO of Customers Bank as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 9, 2024
Status? *Appearance required.*

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: **Multiple Debtors 2024-1, see order**

Chapter 0

Misc#: 8:24-00127 Multiple Debtors 2024-1, see order

#20.00 Order Requiring Comenity Capital Ross to Appear Through Counsel at Status Conference
(cont'd from 7-09-24)
(cont'd from 8-27-24 per court order entered 8-01-24)
(cont'd from 10-08-24 per order cont. s/c entered 9-24-24)

Docket 1

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the CEO and CFO of Comenity Capital as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 9, 2024

Status? *Appearance required.*

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Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, December 10, 2024

Hearing Room 5B

11:00 AM

: **Multiple Debtors 2024-1, see order**

Chapter 0

Misc#: 8:24-00128 Multiple Debtors 2024-1, see order

- #21.00** Order Requiring Supreme Court of NY Kings County to Appear Through Counsel at Status Conference
(cont'd from 7-09-24)
(cont'd from 8-27-24 per order entered 8-01-24)
(cont'd from 10-08-24 per order cont s/c entered 9-24-24)

Docket 1

Tentative Ruling:

Tentative for December 10, 2024

Why still no appearance? Issue OSC directed to the clerk of the Supreme Court NY Kings County as to why a daily sanction of \$1000 should not issue pending full compliance.

Appearance required.

Tentative for July 9, 2024

Status? *Appearance required.*